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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,393	04/02/2004	Cameron Kerrigan	50623.00381	2921
7590 04/16/2008 Squire, Sanders & Dempsey L.L.P. Suite 300 1 Maritime Plaza San Francisco, CA 94111				
EXAMINER SELLMAN, CACHET I				
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
04/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/817,393

Applicant(s)

KERRIGAN, CAMERON

Examiner

CACHET I. SELLMAN

Art Unit

1792

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4-7 and 11-16 is/are rejected.
7) ☒ Claim(s) 8-10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SI-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

The 35 USC 103(a) rejections of the previous office action over Taylor et al. in view of Pacetti have been withdrawn due to the applicant providing a statement of common ownership with the Pacetti ('462) and ('659) patents.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-7, and 11-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor et al. (US 6214115) in view of Hossainy et al. (US 6153252). Taylor et al. discloses a process for coating a stent which comprises inserting the stent over a mandrel having a hollow tubular body and pores disposed on a surface of the mandrel, the pores extending through the tubular body (col. 1, lines 27-28; 42-45). A coating solution is applied to the stent and a vacuum pressure is also applied to the hollow tubular body for extracting some of the coating solution that is applied to the stent (col. 2, line 63 - col. 3, line 1).

Taylor et al. fails to teach applying the vacuum pressure during coating as well as rotating the stent while applying the pressure as required by **claims 1, 11 and 14**. However, it was well known in the art at the time to rotate a stent while applying a coating and a pressure differential in order to prevent the coating from blocking passages in the stent as taught by Hossainy et al. Hossainy et al. discloses a process

for coating stents where the stent is placed on a mandrel and is dipped into a coating solution and the stent is moved relative to the mandrel with minimal clearance which generates high shear rates which break surface tension associates with the coating film filling the slots and provides smooth, defect free coatings (see col. 3, lines 22-58). It would have been obvious to one having ordinary skill in the art to modify the process of Taylor et al. to include the steps of applying the pressure while coating as well as rotating as taught by Hossainy et al. in order to insure any excess coating is removed and to form a defect free coating.

The coating includes a polymer dissolved in a solvent and a therapeutic substance (col. 8, lines 36-60) as required by **claim 4**. The diameter of the mandrel is smaller than the inner diameter of the stent (see col. 3, lines 32-34) as required by **claim 6, 13 and 16**. Taylor et al. teaches that the stent is mounted on a mandrel and is affixed by two collars (col. 1, lines 49-53). The mandrel includes a support member to contact a first end of the stent, another collar, i.e. a lock member, to contact a second end of the stent and the outer surface of the mandrel contacts the inner surface of the stent as required by **claims 5, 7 12 and 15**.

Allowable Subject Matter

3. Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art does not teach s support having lock elements to prevent the outer surface of the mandrel form contacting the inner surface of a stent, the end of the support penetrates into an end of the stent.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CACHET I. SELLMAN whose telephone number is (571)272-0691. The examiner can normally be reached on Monday through Friday, 7:00 - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on 571-272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Cachet I Sellman
Examiner
Art Unit 1792

/C. I. S./

Application/Control Number: 10/817,393

Page 5

Art Unit: 1792

Examiner, Art Unit 1792

/William Phillip Fletcher III/
for Timothy H. Meeks, SPE of Art Unit 1792/1700